IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1046 OF 2005
IN
NOTICE OF MOTION NO.1712 OF 2005
IN
SUIT NO.1861 OF 2005

1. Lokhandwala Construction Industries Private Ltd. — Appellants

vs.

1. Taj Land End Limited & ors. — Respondents

Mr.H.J.Thakkar, Senior Counsel with Ms.Jinita Vadia, advocate i/b.M/s.D.H.Patil & Co. for the appellant.

Mr.E.P.Bharucha, Senior Counsel with Mr.Cyrus Bharucha, advocate i/b.M/s.Mulla & Mulla for the respondent no.1.

Mr.G.D.Utangale i/b.M/s.Utangale & Co. for the respondent no.2.

CORAM : R.M. LODHA & D.G. KARNIK, JJ.

DATED : 6th December 2005

P.C.

Heard.

2. By consent, the appeal is heard and disposed of by the following order:

(i) That the bank guarantee No.2002/64 dated 6th December 2002 in relation to Excise Claim shall be returned by the respondent no.1 to the appellant within two weeks from today and that the

respondent no.1 shall not invoke the said bank guarantee in the meanwhile.

(ii) That the bank guarantee No.2004/63 shall remain operative and hold good until its revalidity period i.e. 31.3.2006. If by that time, there is no demand made by the income Tax Authority, the respondent no.1 shall return the said bank guarantee to the appellant duly cancelled within two weeks from 31.3.2006.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)